

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MASTERS SOFTWARE, INC.,

Plaintiff,

v.

DISCOVERY COMMUNICATIONS,  
INC., THE LEARNING CHANNEL, INC.,  
THE LEARNING CHANNEL, LLC, and  
BARTOLO "BUDDY" VALASTRO,

Defendants.

NO. 2:10-CV-405-RAJ

**NOTICE OF CIVIL APPEAL**

**PRELIMINARY INJUNCTION APPEAL**

**The Honorable Richard A. Jones**

**TO THIS COURT AND ALL PARTIES AND THEIR COUNSEL OF**

**RECORD:**

**NOTICE IS HEREBY GIVEN THAT** Discovery Communications, Inc., The Learning Channel, Inc., The Learning Channel, LLC, and Bartolo "Buddy" Valastro<sup>1</sup>,

<sup>1</sup> Defendant Bartolo Valastro filed a motion to dismiss the First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6). Although Valastro continues to contest this Court's exercise of personal jurisdiction over him as a party, to avoid any potential prejudice to Valastro should the Court ultimately determine that it has personal jurisdiction, Valastro joins in this Notice of Appeal without waiving any of his defenses.

1 defendants in the above-named case, hereby appeal to the United States Court of Appeals  
2 for the Ninth Circuit from this Court's Order of July 16, 2010 Granting Plaintiff's Motion  
3 for Preliminary Injunction. The Order is attached hereto.  
4

5 Dated: August 16, 2010

THE SHERMAN LAW FIRM, PLLC

6 /s/ William Sherman

7 William Sherman

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16 *Communications, Inc., The Learning Channel,*

17 *Inc., The Learning Channel, LLC, and Bartolo*

18 *"Buddy" Valastro*  
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## REPRESENTATION STATEMENT

Pursuant to 9<sup>th</sup> Cir. R. 3-2, the names of all parties to the Judgment appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

PARTY TO JUDGMENT APPEALED FROM	COUNSEL REPRESENTING PARTY
Defendants/Appellants Discovery Communications, Inc., The Learning Channel, Inc., Bartolo "Buddy" Valastro	Anthony V. Lupo, Esq. Randall A. Brater, Esq. Arent Fox LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 Telephone: (202) 857-6000
Defendants/Appellants Discovery Communications, Inc., The Learning Channel, Inc., Bartolo "Buddy" Valastro	William Sherman, Esq. The Sherman Law Firm PLLC 1111 Third Avenue, Suite 2230 Seattle, WA 98101 Telephone: (206) 552-9607
Plaintiff/Appellee Masters Software, Inc.	Kathleen D. Long, Esq. Law Office of K.D. Long, PLLC 1741 First Avenue South, Suite 200 Seattle, WA 98134 Telephone: (206) 569-0314 Facsimile: (206) 569-0313
Plaintiff/Appellee Masters Software, Inc.	J. David Stahl Mundt MacGregor LLP 271 Wyatt Way NE, Ste. 106 Bainbridge Is., WA 98110

Dated: August 16, 2010

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16 *“Buddy” Valastro*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2010, I caused a copy of the foregoing to be filed with the Clerk of Court using the CM/ECF system. I further certify that a copy of the foregoing was served via the CM/ECF system to:

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